

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALCON INC., ALCON VISION, LLC,	)	
and ALCON LABORATORIES, INC.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 22-1422
	)	
PADAGIS ISRAEL	)	
PHARMACEUTICALS LTD., PADAGIS	)	
US LLC, and PADAGIS LLC,	)	
	)	
Defendants.	)	

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**FINAL JUDGMENT**

The plaintiffs brought this patent infringement action against the defendants, asserting that the defendants' submission of ANDA No. 212137 infringed U.S. Patent Nos. 9,044,484 and 9,421,265. The case was tried before the court from October 21 to October 23, 2024. The court heard testimony on behalf of the parties, considered written post-trial submissions of the parties, and issued Findings of Fact and Conclusions of Law on February 5, 2025 (D.I. 303).

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. For the reasons set forth in the court's Findings of Fact and Conclusions of Law, the court enters judgment in favor of the defendants and against the plaintiffs on all claims and counterclaims regarding infringement of claims 13-19 of U.S. Patent No. 9,421,265 under the doctrine of equivalents.

2. For the reasons set forth in the court's Findings of Fact and Conclusions of Law, the court enters judgment in favor of the plaintiffs and against the defendants on all claims and counterclaims regarding the invalidity of claims 13-19 of U.S. Patent No. 9,421,265.

3. Pursuant to the parties' stipulation (D.I. 181) and the court's Order (D.I. 191), the court enters judgment in favor of the defendants and against the plaintiffs on all claims and counterclaims regarding infringement of claims 1-3 and 6-12 of U.S. Patent No. 9,421,265, literally and under the doctrine of equivalents, and dismisses without prejudice the defendants' counterclaims of invalidity with respect to claims 1-3 and 6-12 of U.S. Patent No. 9,421,265.

4. Pursuant to the court's Memorandum Opinion and Order (D.I. 225), the court's Order Granting Summary Judgment (D.I. 229), the parties' stipulation (D.I. 238), and the court's Order (D.I. 240), the court enters judgment in favor of the defendants and against the plaintiffs on all claims and counterclaims regarding infringement literally and under the doctrine of equivalents of claims 1-3 and 6-23 of U.S. Patent No. 9,044,484 and all claims and counterclaims regarding literal infringement of claims 13-19 of U.S. Patent No. 9,421,265, and dismisses without prejudice the defendants' counterclaims of invalidity with respect to claims 1-3 and 6-23 of U.S. Patent No. 9,044,484.

5. In the event that any party appeals this final judgment, any motion for attorneys' fees and/or costs under Fed. R. Civ. P. 54 and/or Local Rules 54.1 or 54.3, or any motion that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within thirty days after final disposition of any such appeal.

6. In the event that no party appeals this final judgment, any motion for attorneys' fees and/or costs under Fed. R. Civ. P. 54 and/or Local Rules 54.1 or 54.3, or any motion that this case is exceptional under 35 U.S.C. § 285, shall be considered timely if filed and served within thirty

days after the expiration of the time for filing a notice of appeal under Fed. R. App. P. 3 and 4.

IT IS SO ORDERED.

SIGNED THIS 11th day of February, 2025.

A handwritten signature in black ink, reading "William C. Bryson". The signature is written in a cursive style with a large, stylized "W" and "B".

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WILLIAM C. BRYSON  
UNITED STATES CIRCUIT JUDGE